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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,021	07/25/2003	Raymond W. Howard	Lucky Line. 1524	3685
27547	7590	01/21/2005	EXAMINER	
MURPHEY & MURPHEY, A.P.C. 701 PALOMAR AIRPORT ROAD, SUITE 260 CARLSBAD, CA 92009			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/627,021

Applicant(s)

HOWARD, RAYMOND W.

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. An amendment was received from the applicant on November 19, 2004.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (US 5,617,751) in view of Callahan (US 4,235,459).

Song discloses a key tag, as shown in Figures 5a-6b, that is comprised of a plastic or metal tag having a first side and a second side, both defined as Part #50, as described in lines 20-21 of column 5, where said first side and said second side are indented, as shown in Figure 5b, and are both capable of accommodating a label, defined as Part #58 in Figure 6b, that is secured to said first or second side by means of an adhesive, as described in lines 4-12 of column 5, and an opening, defined by Part #62 in Figures 6a-b, is located between said first side and said second side for accommodating a key ring, defined as Part #10, as described in lines 51-53 of column 4.

Song, as set forth above, discloses all of the features claimed except for the use of a pre-formatted label card with a plurality of removable labels, and a key tag with a second opening for accommodating a key ring.

Callahan discloses a marking system, as shown in Figures 1-4, that is comprised of a pre-formatted label sheet or card, defined as Part #10, with a plurality of labels, defined as Part #12, provided thereon, said labels being provided as a system for marking objects such as keys, as described in lines 26-33 of column 1, where said labels are affixed to an object by means of an adhesive.

The use of a key tag with a plurality of openings for attaching a plurality of key rings to said key tag would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing attachment means for a plurality of key rings instead of a single key ring.

The use of a key tag having an opening and first and second sides that are fabricated in a single piece construction instead of from a plurality of parts would be considered by one of ordinary skill in the art to be an obvious reduction of parts for the purpose of facilitating the assembly of said key tag.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a pre-formatted label card with a plurality of adhesive labels thereon, as taught by Callahan, in combination with key tag and adhesive labels as disclosed by Song for the purpose of providing a medium for distributing a plurality of adhesive labels for use as markers on key tags.

4. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song in view of Miller (US 6,244,763).

Song further discloses a method for labeling a key tag, as shown in Figures 5a-6b, that is comprised of the steps of providing a key tag with first and second sides and an opening for accommodating a key ring, providing a label, defined as Part #58, for identifying a key, and providing an indentation on at least one side of said key tag for receiving said label.

Song, as set forth above, discloses all of the features claimed except for the use of a downloadable program for preparing and printing labels.

Miller discloses a PC postage label sheet, defined as Part #10, as shown in Figures 1-3, and a method for printing labels, as shown in Figure 4A, by means of downloadable software, as described in lines 50-63, and information that can be downloaded from the internet, defined as Part #84, on a computer, defined as Part #80, and a computer printer, defined as Part #82. Custom labels can be created and printed on said label sheet, as shown in Figure 5, utilizing said software and said printer, and then affixed to an object using an adhesive on the back of said label.

The use of a key tag with a plurality of openings for attaching a plurality of key rings to said key tag would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing attachment means for a plurality of key rings instead of a single key ring.

The use of a key tag having an opening and first and second sides that are fabricated in a single piece construction instead of from a plurality of parts would be

considered by one of ordinary skill in the art to be an obvious reduction of parts for the purpose of facilitating the assembly of said key tag.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize downloadable software for printing labels on a label sheet with a computer and printer, as taught by Miller, in combination with the key tag and adhesive labels as disclosed by Song for the purpose of providing a means and method for producing custom formatted labels on a label sheet for marking key tags using software and a computer printer.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song in view of Callahan, and further in view of Miller.

Song in combination with the teachings of Callahan shows all of the features claimed except for the use of pre-formatted labels that are printed using information that is downloaded from a website.

The use of a key tag with a plurality of openings for attaching a plurality of key rings to said key tag would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing attachment means for a plurality of key rings instead of a single key ring.

The use of a key tag having an opening and first and second sides that are fabricated in a single piece construction instead of from a plurality of parts would be considered by one of ordinary skill in the art to be an obvious reduction of parts for the purpose of facilitating the assembly of said key tag.

Miller, as previously cited, discloses a PC postage label sheet, defined as Part #10, as shown in Figures 1-3, and a method for printing labels, as shown in Figure 4A, by means of downloadable software, as described in lines 50-63, and information that can be downloaded from the internet, defined as Part #84, on a computer, defined as Part #80, and a computer printer, defined as Part #82. Custom labels can be created and printed on said label sheet, as shown in Figure 5, utilizing said software and said printer, and then affixed to an object using an adhesive on the back of said label.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize downloadable information for printing labels on a label sheet with a computer and printer, as taught by Miller, in combination with the key tag and adhesive labels as disclosed by Song and the teachings of Callahan for the purpose of providing a means for producing custom formatted labels on a label sheet for marking key tags using downloadable software and a printer.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

January 18, 2005

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*  
1/18/05